

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AT SAVANNAH

JUNE 18 2007

JAMES C. COLLINS

)

Plaintiff,

)

v.

)

JOHN T. WILCHER and KODY
RITTER, R.N.,

)

Defendants.

)

M. A. Hill
CLERK OF GA.

Case No. CV 405-97

O R D E R

Before the Court is Plaintiff's Motion for Voluntary Dismissal with prejudice of Defendants Wilcher and Ritter. (Doc. 44.) This Motion comes before the Court after Defendants filed their Motion for Summary Judgment (Doc. 40) on June 8, 2007. As such, pursuant to Fed. R. Civ. Proc. 41(a)(2), at this juncture of the litigation Plaintiff may not dismiss the only remaining Defendants without an order from this Court.¹ **IT IS HEREBY ORDERED** that Plaintiff's Complaint against Defendants Wilcher and Ritter is **DISMISSED with prejudice**.² The Court **DIRECTS** the **CLERK of the COURT** to **CLOSE** any pending motions in the matter and **CLOSE** the case as there are no remaining defendants in this action.

SO ORDERED.

John F. Nangle

JOHN F. NANGLE
UNITED STATES DISTRICT JUDGE

Dated: June 18th, 2007

¹ Fed. R. Civ. Proc. 41(a)(2) provides in part that "an action shall not be dismissed at the plaintiff's instance save upon order of the court and upon such terms and conditions as the court deems proper."

² Pursuant to Fed. R. Civ. Proc. 41(a)(2) "[u]nless otherwise specified in the order, a dismissal under this paragraph is without prejudice."